

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

**LIGHTHOUSE PLASTICS, LLC, A
Missouri limited liability company**

PLAINTIFF

VERSUS

CIVIL ACTION NO. 3:03CV169-P-A

**LIGHTHOUSE PLASTICS, LLC, a
Mississippi limited liability company**

DEFENDANT

ORDER

This cause is before the Court on the plaintiff's First Motion in Limine Regarding the Purported Genericness of Plaintiff's Trade and Service Marks [81]. The Court, having reviewed the motion, the response, the briefs of the parties, the authorities cited and being otherwise fully advised in the premises, finds as follows, to-wit:

Plaintiff seeks the entry of an order prohibiting the defendant from eliciting any evidence or testimony tending to suggest that the plaintiff's trade and service marks are generic and not worthy of trademark protection.

Defendant concedes that the name "Lighthouse Plastics, LLC" is worthy of trademark/servicemark protection. However, the defendant urges that the word "lighthouse" is a common, ordinary word and that the defendant did not intentionally and/or maliciously take said word from the plaintiff's name, but instead took it from the name of a church. The defendant seeks to present argument and evidence of this nature at trial.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the plaintiff's First Motion in Limine Regarding the Purported Genericness of Plaintiff's Trade and Service Marks [81] should be

granted in part and denied in part. IT IS FURTHER ordered that the defendant is precluded from presenting any evidence, testimony, reference to, or argument that plaintiff's trade and service marks are generic and not worthy of trademark protection. IT IS FURTHER ORDERED that the defendant will be permitted, however, to offer argument and evidence regarding the common and ordinary nature of the word "lighthouse" as it is relevant to demonstrate that the defendant did not intentionally and/or maliciously take said word from the name of the plaintiff.

SO ORDERED, this the 17th day of August, 2005.

/s/ W. Allen Pepper, Jr.

W. ALLEN PEPPER, JR.

UNITED STATES DISTRICT JUDGE